

State of Rhode Island and Providence Plantations
Department of Attorney General

Public Notice of Proposed Rule-Making

Pursuant to the provisions of 2012 Public Laws, Chapters 448 and 454, Section 2, specifically, Section 38-2-3.16. of the General Laws (“compliance by agencies and public bodies”) (effective September 1, 2012), and in accordance with the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Department of Attorney General hereby gives notice of its intent to adopt rules and regulations regarding training under the Access to Public Records Act.

The purpose of this adoption is to establish regulations to implement 2012 Public Laws, Chapters 448 and 454, Section 2, specifically, Section 38-2-3.16 of the General Laws (“compliance by agencies and public bodies”) (effective September 1, 2012) relating to compliance by public bodies with the training requirements under the Access to Public Records Act and comply with § 42-35-2(a).

The proposed regulations are available for public inspection at <http://www.sos.ri.gov/ProposedRules/>, in person at the Department of Attorney General, 150 South Main Street, Providence, Rhode Island 02903, or requested by email at jlindbeck@riag.ri.gov or by calling Joe Lindbeck at 401-274-4400 x 2424.

In the development of the proposed adoptions consideration was given to: 1) alternative approaches; 2) overlap or duplication with other statutory or regulatory provisions; and 3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by October 1, 2012 to Joe Lindbeck, Department of Attorney General, 150 South Main Street, Providence, RI 02903, 401-274-4400 x 2424, jlindbeck@riag.ri.gov. A public hearing to consider the proposed adoption shall be held on October 1, 2012 at 2 pm at the Department of Attorney General, 150 South Main Street, Providence, RI 02903 at which time and place all parties interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-274-4400 x 2424 or TDD 401-453-0410.

Department of Attorney General
Rules and Regulations Regarding Training under the Access to Public Records Act

1. The Chief Administrative Officer, as defined by the Access to Public Records Act, must certify annually by January 1 of each calendar year that persons who have the authority to grant or deny Access to Public Records Act requests have received training for the upcoming calendar year. Individuals must be certified each calendar year.
2. Any person who has not received training prior to the beginning of the calendar year, but who during the calendar year becomes authorized to grant or deny Access to Public Records Act requests, shall receive training as required under the Access to Public Records Act as soon as practicable, but not less than one (1) month after being authorized to grant or deny Access to Public Records Act requests. Such time may be extended at the discretion of the Department of Attorney General for “good cause.” The Chief Administrative Officer must certify to the Attorney General that training has been received when training has been completed.
3. Authorized training must be conducted by the Department of Attorney General. The Department of Attorney General will offer various training programs throughout each calendar year and such training programs will be conducted at various locations throughout the State. Public bodies or governmental entities wishing to schedule training sessions may contact the Department of Attorney General. Public entities wishing to schedule Access to Public Records Act training should make every effort to schedule training sessions to as large a group as practicable. The Department of Attorney General reserves the sole discretion to determine whether and when to schedule a training session.
4. For purposes of these Rules and Regulations the requirement for training may be satisfied by attending an Attorney General training in person or by viewing a recent video of an Access to Public Records Act presentation given by the Department of Attorney General. Any person satisfying the Access to Public Records Act training requirement must certify to the Chief Administrative Officer that he or she viewed the entire Access to Public Records Act presentation, or attended the live training program, and such certification shall be forwarded by the Chief Administrative Officer to the Department of Attorney General.
5. Certification may be e-mailed to agsummit@riag.ri.gov, or mailed to the Department of Attorney General, Attn: Public Records Unit, 150 South Main Street, Providence, Rhode Island 02903. Certification forms are available on the Department of Attorney General Website.

6. The Department of Attorney General may assess a reasonable charge for the certification required by R.I. Gen. Laws § 38-2-3.16, such reasonable charge intended to defray the cost of such training and related materials.



State of Rhode Island
Department of the Attorney General

CERTIFICATE OF COMPLIANCE
ACCESS TO PUBLIC RECORDS ACT SECTION 38-2-3.16
COMPLIANCE BY AGENCIES AND PUBLIC BODIES

SECTION A – TO BE COMPLETED BY CHIEF ADMINISTRATOR

This certifies that _____ of _____,
has completed the Access to Public Records training on the _____ day of _____,
20____, and is in compliance with § 38-2-3.16. The above has completed training by means of:
_____ Live Presentation _____ Video Presentation

Chief Administrator

Department/Entity

Dated

SECTION B – TO BE COMPLETED BY CERTIFIED PERSONNEL

I certify that I have viewed the video presentation and/or a live presentation and am in
compliance with § 38-2-3.16 of the Access to Public Records Act. In addition, I certify that the
information I have provided on this statement is true and correct.

Date of Training: _____

Signed: _____